



2009

SPERI YEARLY REPORT



MECO-ECOTRA & SPERI

SOCIAL POLICY ECOLOGY
RESEARCH INSTITUTE

SPERI

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SOCIAL POLICY ECOLOGY RESEARCH INSTITUTE (SPERI)

Address: A4, Pham Huy Thong Str., Ba Dinh District, Hanoi-Vietnam

Tel: +84-4-37717367

Fax: +84-4-37716691

Email: speri@speri.org

Website: <http://www.speri.org>

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***Part II: Yearly Report of
MECO-ECOTRA's
Thematic Networks and
SPERI's Departments***

Customary Law Network in Watershed Resources Management

Customary Law Network in Watershed Resources Management refers to the ecological norms, belief and religion which guide the sustainability of all forms of ecological resources of ethnic minorities in the Mekong region. The Network also addresses issues on community ownership including rights to access, manage and use ecological resources effectively.

Customary law is even more essential to strengthen community regulations which contributing to a stronger local governing process of ecological resources.

In this changing context, business sector has increasingly sought for the remaining resources which are the basis of local's livelihood security. The customary law alone cannot deal with the context; thus, required it to be integrative with government policies to handle.

In April 2009, the Network has expanded to Northern Thailand with representatives from Hmong and Karen indigenous minorities (Customary Law on SPECIAL Watershed Forest Preservation and Community Development workshop in Luang Prabang, Laos).

The current emerging need from the Network is how to continue raising awareness and promote actions in preserving belief-based community forest for minority groups in the Mekong region.



Foreword

Along with the formation and development of the customary law network, recently the network have specific themes, coordinating closely with other networks in the MECO-ECOTRA, especially herbal healers' network, help for general operating effectively, to avoid overlap. Remarkable activities of the network in this period is the workshop of watershed forest management and protection and community development based on customary Law, held in Luang Prabang, Laos in April 2009. In addition, members of the network have participated in many activities incorporating with other networks.

The network focuses on maintenance, development of the customary law, the value, good practices of ethnic groups for protection and developing natural resources, especially land, forests and water. The specific objectives of the customary network in this period, include:

- i) Research, documentation of values related to traditional institutions, experience in management of local resources, especially forests and the herbal medicine forest of the peoples in the project area;
- ii) Strengthening and developing the customary law through the role of the village elders and the meaning beauty of traditional festivals;
- iii) Create opportunities for the village elders, members of the network to share with each other and with the ethnic youths in Farmer Field Schools (FFSs) and;
- iv) Identify strong points of each network in each ethnic groups and countries and then propose legislation for incorporating customary law into formal system, for the benefit of the community;

Networking of Action

'No Song' ceremony of H'mong people in Long Lan village, Luang Prabang district, Luang Prabang province - Laos

The ceremony was held in the herbal forest, also the sacred forest of Long Lan village, Luang Prabang District, Luang Prabang province, Laos on March 31st 2009. There are total 306 people attended the ceremony, in which 103 invited guests, 76 representatives from 25 H'mong villages in Luang Prabang district, 130 representatives for families of Long Lan village.

Among the invited guests are 9 guests from Thailand, 22 from Vietnam (representing the Government, research institutions and people), the leaders of provincial and district of Luang Prabang, representatives from Xieng Da and Nam Kha villages (Nam Bac district), representatives from nearby villages to Long Lan. Digital Television - VTC from



Vietnam, Television Luang Prabang recorded and covered news on this event. This event is a manifestation of the recognition, respect of local authorities with the traditional customs of ethnic minorities in general and 'No Song' ceremony H'mong people in particular.

After the ceremony held before the official guests, village representatives for the H'mong villages have discussed, adjust traditional regulations, such as forest protection, marriage, funeral, community management, which will be enforced in 22 villages with about 10,000 H'mong people in Luang Prabang district. Representatives of villages, families did secret vote to elect the leaders and the enforcement board of 'No Song' ceremony. With this event, local people have the opportunity to express the pride, the confidence in maintenance, promotion of their customary laws relating to development of watershed forest resources and community management.

Workshop on Customary Law based Special Forest Conservation and Development

Workshop was held in Luang Prabang, Laos on April, 2nd and 3rd 2009 in combination with 3-year evaluation of CHESH-Laos. There are 103 delegates from Laos, Thailand and Vietnam attended this workshop. This is a good opportunity for the village elders to share customary law experience of customary law based protection of forests with government officials, scientists, the policy makers and press agencies.



Elder Xay Khu Zang, advisor of the H'mong elders' council of Long Lan village, Luang Prabang province talked about land allocation program to households group of herbal healers, to promote traditional customs of H'mong in protected forests, especially herbal medicine forest, on its expanding dimension and impact through traditional ceremony of Nao Song.

Elders of H'mong, Thai, Dao and Tay groups from Vietnam shared customary law on protection of forests and natural resources of their nation, determined strategic plan for keeping the transmission of knowledge, customary law for young generations.

One of the notable recommendations in the workshop is: collection of documents, research points to build the curriculum taught in all levels, from high schools to vocational schools and universities. For example, in the Long Lan: community development based on participation and ownership by people. People define a border, villagers join observation and draw map with technicians while technical staff always listen to people, so that they could help land and forest allocation done successfully, while problems were resolved.

This process needs cooperation, participation of many stakeholders, such as village elders, local government staff, policy makers, development staff, scientists, teachers and

the press. This is a basis for setting up strategic planning for customary law network in the coming time.

Participants of the workshop discussed and agreed that, Firstly, the workshop created a forum which is really meaningful for different stakeholders at all levels (e.g. villagers, government officials, researchers, training and development organizations) to discuss on very hot issues related to sustainable management of watershed forest protection base on customary laws of ethnic communities. This is a turning point of the theory and practice of the provincial authorities relating to forest management in the watershed special forest - where ethnic groups live

Secondly: Customary Law of ethnic minority is essential for sustainable management of watershed forest protection first - contributing to maintaining and upholding the values of traditional values and stable people's life.

Thirdly, land and forest allocation to ethnic people for their long-term use and management, protection of forest is an effective strategy. It is particularly the integration between customary law and state law in the process of co-management of natural resource protection in the watershed area.

Fourthly, it is necessary to involve different stakeholders, such as elders, prestigious persons, ethnic youths, researchers, development workers to record and summarized the good customary law relating to management, protection, and sustainable use of watershed natural resources.

Fifthly, it is important to have careful study with the role of elders to bring good customary law, traditional experiences of ethnic minorities in training programs provided for elementary, secondary, high school, college, university, etc.

Sixthly, there should be follow-up higher level workshops e.g. national, Mekong regional level on customary Law of natural resource management in special protection forest in order to share experiences and expand those good pilot models.

Seventhly, Luang Prabang provincial authority suggested CHESH Laos to continue supporting and consulting for Luang Prabang provincial officials to expand the model of watershed forest resources management and protection base on customary law to other areas in Luang Prabang province.

Involvement in research and publication

SPERI staff (i.e. Mr. Van Ka, Vang Sin Min, and Pham Van Dzung) conducted a study on the values of H'mong customary law, such as 'Nao Long' and 'Thu Ti' ceremonies, which are meaningful for resource management in Si Ma Cai District, Lao Cai Province. Customary law on handicraft, weaving is also an interested studied issue in this trip.

Research on the field is not only means enrich knowledge of SPERI staff, but also create opportunity for local elders, traditional artisans to share with young H'mong generation (i.e. Vang Sin Min in this case). At the same time SPERI staff have more opportunities to practice skills in identifying research topics at the field, how to ask questions in the interview. Moreover, the research has been on incorporating into the Farmer Field

Schools (FFSS) to educate the ethnic minority youths of their traditional good customs and practices.

The findings from this research are reviewed, analyzed for completion of articles of customary law, herbal medicine, handicraft, which were sent to post in 3 successive issues of the categories of Environment and Sustainable Development of the Journal of Ethnic Arts. This would help to share with readers nationwide.

Organizational Development - OD



Though network of elders did not contact much between the regions, but they still continue their usual activities in their own localities. Some members of the network is quite active, for example, elder Lo Khanh Xuyen announced and proposed film, to document a traditional buffalo sacred ceremony by a Thai clan in Que Phong district. However, the persons who organized this ceremony did not want outside people to film and observe, so they held the ceremony earlier than scheduled, so SPERI staff

and members of network could not conduct research activities as their intention.

Through workshop in Luang Prabang, Laos, network of elders has been expanded to both Laos and Thailand. So far, the network have defined key members, who are the focal point for contact, cooperation, sharing experiences of customary law based natural resources protection in the watershed areas (see more contacts new in the appendix).

With support of SPERI staff, the network members contact flexibly in case of needed cooperation or exchangeable events. The network recognized the needs for studying, documentation of each ethnic group's cultural values, especially customary law on forest and land protection and management. Elders' knowledge, wisdoms, i.e. herbal medicine, traditional cultivation, forest protection, community management should be recorded and transferred to younger generations. In addition to local action, the network intended to organize such ceremonies as Nao Long of H'mong in Si Ma Cai district, Lao Cai, Vietnam, or 'Tong Xenh' of H'mong in Chiangmai, Thailand which are original meaningful for others to share and apply.

Institutional Development - ID

In context of growing industrialization and impact the free market, they also need the appropriate solutions to maintain the value of cultural traditions in general and herbal knowledge in particular. 'Nao Long' ceremony of H'mong in Si Ma Cai, Lao Cai, Vietnam or 'No Song' in Long Lan village, Luang Prabang province, Laos in connection with a discussion of the adjustment and supplement to traditional regulation are typical examples for the adapting customary laws in a changing world. The ceremonies create democratic large spaces for elders and villagers to discuss on how to maintain their

culture, values, norms, or how to apply suitable fine against those violations to community traditional order, or regulations of marriage, funeral, or forest protection.

Dzao people also similarly adjusted customs and practices of traditional herbal medicine. Although they do not maintain the ceremony and celebration directly to individual patients, but herbal healers still extract a partial payment by patients to organize the traditional ceremony themselves. Mr. Trieu Tien Quy, accouter of DHC of Ba Vi commune, said: *"We treat it by traditional customs, with annual thanks and pay for herbal spirits. Traditionally, if one is cured successfully, she or he would offer chicken, wine bottles, rice to organize ceremony for thanking herbal spirits. If I practice herbal medicine professionally to cure for many patients, the patients and I will waste a lot of time for ceremonies for each, additionally I do not have enough rice for my family to. So it is reasonably for us to change, we should get money instead of those ceremony offerings. Patients do not have to pay offerings for ceremony as they used to do before. As the reform, the herbal healers should do annual ceremony, which limit diffuses to the patients. Pay and thank herbal spirits through the ceremony in December with their own offerings available. At the beginning of the year, herbal healer hold ceremony for promise of thanking herbal spirits, then at the end of the year they thank in another ceremony. This customs can never be removed."*

Customary law derived from the deep belief of Dzao people. Ms. Trieu Thi Hoa member of DHC of Ba Vi commune said: *"The medicine here relates to personal wealth, fortune and wisdoms. One may offer 10 herbal medicine descriptions but that is not successful, but others may take effect with only 7 species of herbs. That is fortune and wisdoms. As practical healer, we must obtain belief, must also worship herbal spirits in Ba Vi Mountain. If we offer them incense smoke, chickens, they will support us. Like any child who is better taking care for parents, then he or she will be loved by the parents"*.

Elder Hoang Minh Hang (Pho Cu village, Si Ma Cai district, Lao Cai province) shared:

"We have 2 forests, so we organize two forest worshipping ceremonies each year. Usually each family contribute VND 20,000 to buy pigs, chickens for worshipping in 2nd lunar month, every household should send one representative there. On the day of dragons, i.e. good day, the ceremony should be held. We will set up document for propaganda, that no tree in the sacred forest is cut down, nor taken anything, even a stick from the sacred forest. One should not go for toilet in the sacred forest, because that will affected badly to respected spirits. Then we set up fence to keep buffalos, horses out to protect forest. When you want to take herbs there, you should burn incense and worship. If anyone to infringe, destroy forest the fine must be applied. If one does not hear and cut tree or get out wood, even dry firewood, that person will be fined VND 50,000 for each fagot packet of firewood, penalty should be worse against the second violation.

Even district party leaders or chairperson believe that herbal medicine is applicable, so all of us cooperate for forest protection."

Through the above examples, we can see that although the external forms of customary law may have changed, but its basic values, spiritual symbol or practical meaning are steadily maintained. That is difference, is also notable strong points of the customary law - the non-formal system in comparison to the formal system of statutory law.

From Luang Prabang district authority's recognition of Long Lan community regulation, traditional customary law for 22 surrounding H'mong villages were favorably developed. It covers not only provisions of forest protection, but also customs of marriage, funeral, and organization of community ceremonies.

Good example of Long Lan case stipulated H'mong people in Vietnam and Thailand to organize 'Tong Xenh' or 'Nao Long' ceremony while Khmu ethnic people in Laos want to maintain 'Pha Bua' ceremony for worshiping forest spirits for better interest in forest protection.

Outcomes

At a recent workshop on customary law based special forest protection and development in Luang Prabang, Laos, the elders from three countries of Laos, Thailand and Vietnam have planned combination, which is remarkable ceremony of Nao Long by H'mong people in Si Ma Cai, Lao Cai province in 6th lunar months (July, 2009). Through sharing, the elders recognized that although H'mong in the different regions have community ceremony ('Nao Long', 'Tong Xenh' and 'Thu Ti') associated with setting up community regulations, but each region has its own organizational style, some region simply maintain little traditional style as they have lost many traditional characteristics.

H'mong people in Si Ma Cai are still keeping the good traditional ceremonies, that link up closely maintenance of sacred forest. Besides, 'Mi Nao Long' (Small 'Nao Long' ceremony) which is held 2nd lunar month at village level, there is 'Na Nao Long' (Large 'Nao Long' ceremony), which is held in 6th lunar month at communal or inter-communal level. It is good opportunity to expand the influence of the traditional customary law through the establishment of inter-village, inter-region regulations. Traditional ceremony encourages community to feel proud, excited to promote their traditional values, and helps community and local government better protect natural resources, especially community-based protection of forest and biodiversity.

Therefore, the H'mong village elders from Laos and Thailand saw the need to attend and learn 'Nao Long' ceremony in Si Ma Cai district, Vietnam. They plan and recommend support, so that they can participate in this ceremony. This is not only the opportunity to learn from each other, which will generate foundation for people from different localities to confidently expand and protect forest, natural resources based on the community customary law. It is also the opportunity for H'mong people to introduce to society with their culture with special characteristics, unique social institutions. It will help improve many lowland people's understanding of H'mong in particular and upland ethnic groups in general, to better understand who actually (indirectly) deforest and who protect forests, protect natural resources and habitats. With effective protection of forests based on customary law, and upland ethnic people reasonably raise their voice to the media, policy makers to change vision, for better practical development strategy, in which the higher role of the community in ownership, management and protection of watershed natural resources is respected rather than the state-owned enterprises or the company business.

What challenging the network?

Resettlement policy, setting up larger villages by merging small ones, policy of forest exploitation, exchange resources to obtain goods; policy for encouragement of foreign investment and industrial plants (rubber plantation by Chinese in Luang Prabang) are deep causes of farmers' shortage of land and natural exhaustion in Laos. Customary Law was set up and executed well at the village level (e.g. Long Lan village, Luang Prabang province), but did not work effectively on inter-village scale. Also it should include the capacity to local governance, responsibility and transparency of local officials to gain faith and agreement of the people for natural resource protection. These are tremendous obstacles to the protection of 8,000 hectares of protected forest of Long Lan village in particular and the watershed in general.

Mr. Xay Khu Zang (Long Lan village elder) says: *Since the penalty cannot be applied to outsiders, we have exclaimed to district authority many times, but they still lethargy, not to resolve in time. That made us bored.*

Policy of maintenance, even expansion of national parks, conservation areas, industrial zone, and its shortage of respect and promotion of the local values and insurance of local people's livelihoods affected negatively to community. To maintain their life, local landless have to exploit herbs and forestry products in general in the forest, which is managed by the state enterprises and agencies? Depending on different periodic contexts in which this issue can become constraint or calm, but people are always vulnerable, because their ownership of forest land have not been confirmed for their family and community. Therefore lobby for ethnic people's rights of natural resource ownership associated with the maintenance of local knowledge and secured livelihoods are still continuing.

What are next of the network to 2010

Coming activity is the support to community to hold 'Nao Long' ceremony in Can Ho commune, Si Ma Cai district on July 22nd 2009 to create opportunities for H'mong representatives from different regions, countries to share, expanding the value and effects of this ceremony. Ceremony organizers should invite local authorities, newspapers (such as VTC) for their participation, then record to make documentation, publishing, broadcasting of this event for better social awareness of the meaning, values of such a H'mong traditional ceremony in particular, and ethnic groups' customary laws in general.

Select a location (such as Ba Vi, Long Lan village, or Hanh Dich commune, Ke village, etc) to conduct research programs, evaluate effectiveness of land use, forest resources of the household, community and compare to that of companies, national parks, conservation areas. This program of Customary Law network should be incorporated throughout the network of herbal healers, as the personnel as well as many topics, concerns of the two networks are quite matched.

With the support of SPERI staff, the network will use results, products (document, pictures, video) from those activities to dialogue with local authorities, related state forestry enterprises, conservation area, to continue lobby for ethnic people's right to use,

protecting and developing land, forest, water. Lobby process, and community lobby results in connection to their awareness, dialogue and presentation skill improvement can help to solve the problems and prolonged difficulty relating to transparency, responsibility of local governance.

Materials, document from the workshop, study tour and the experiences of elders of the customary law network should be updated regularly on the formal and informal curriculum, presentation in Farmer Field School (FFS). This is also the basis material, document for the concerned local schools, vocational schools, to improve lectures system towards substantial, practical, with better identification and respect to the local ethnic values.

Organized traditional 'Lac Xua' worshipping ceremony at sacred forest of Black Thai community is good for community spirit strengthening. However, this ceremony in Hanh Dich and other Thai communities have no longer been maintained in recent years. With knowledge of the desired elders and the young who are shared and learnt, a pilot model of ceremony should be supported to organize in a certain village of Hanh Dich commune, so that it will affect and be multiplied by others positively.

Annex 1: Brief profile of new key contact members of customary law network

Elder Lambay Lobriayao



Address: Phon Xa Van village, Nong Het district, Xieng Khoang province; or Nong Bon village, Vientiane city, Laos.

Tel: 00856.205181412

Date of birth: May 6th 1941, in Xieng Khoang, Laos.

Elder Lambay learnt herbal medicine from his mother and apply for treatment for community. Recently he is leader of Lao-Viet herbal healers' network. He expects and tries to promote herbal knowledge, herbal medicine for healthcare and contribution to livelihood security.

Elder Lambay used to be a teacher for a school in Xieng Khoang province for three years, then worked as Director of provincial education department for six years. He studied engineering technique in Russia for six years (1972 to 1978). Then he moved to National Department of materials, import-export of engines, petrol before retirement.

He was selected as coordinator for Lao-Viet herbal healers' network in 2007.

Elder Jorni Odochao



Birth: 1947

Address: 21, Ban Nong Tao, Mea win sub district, Mea Wang district, Chiangmai province Post code: 50360.

Telephone: +66.086.9149661.

Strong point: local knowledge in forest, water and land.

He has some herbal knowledge.

Interest issues: culture in development. He involved in policy lobby since 1965.

He used to be village head, president of North Thai Farmer Network, member of national advisory board for socio-economic development.

He is recently a member of National council for community development.

He has travelled to 12 countries to participate in different workshop, forums and present on: 1) Ethnicity and indigenous people; 2) Natural resource management; 3) World farmer network.

Elder Yua Thanomrungruang



Address: Mea Sa Mai village, Pong Zenh commune, Mea Rim district, Chiang mai province, Thailand

Tel: +66.50180.081796091

Birth: 1952, in Chiangmai.

After school, he worked as village secretary for four terms. He used to be an advisor of customary laws for Dr. Chayan's council for five years. He experienced to visit and give training on production of children's toy in America in 2002. He joins a study tour on indigenous seeds in Vietnam.

Recently he is a teacher of customary laws for children. He practice wet rice and slope land cultivation while his wife work with a small shop. Compare to female herbal healers, he is not better. However he can present well how to plant and preserve herbs for a long time, how to promote market for herbal medicine. He has a herbal garden containing 60 species of herbs. Many healers and researchers, including a team of SPERI have been visited his garden.

Annex 2. Follow-up connection of customary law issues

From siale@chiangmai.ac.th

to Thi Lanh TRAN <tlanh@speri.org>

cc damtrongtuan <dtuan@speri.org>, Van Dung PHAM <pvdung@speri.org>, Minh Phuong NGUYEN <nmphuong@speri.org>, Tu Kien <dtkien@speri.org>

Date Mon, Apr 27, 2009 at 8:56 AM

Subject Re: Email of Prasit in Chiangmai be changed

Dear Madam Lanh,

Thank you for your e-mail. I'm very glad that you mentioned about the upcoming visits of Hmong Nao Long in Simacai. As I told you, regarding the networking building, the Hmong elders and young peoples' discussion on the night of 2nd April was that in addition to Long Lan, Hmong from both Vietnam and Thailand should get a chance to visit the Nao Long in Vietnam in May/June, then Hmong from Lao and Vietnam should attend the 'Tong Xenh' in Mae Sa Mai in December. During the Thailand event, all attendants have to discuss and come to a plan on "Customary Law/Practices and the Natural Resources Management".

Therefore, please note and see if SPERI can plan for such conclusion, in order to create network strength among communities who have preserved natural resources.

By the Thai side, after attended the workshop in Luang Prabang, Chayan, Malee and I had also discussed. We will gather in Nong Tao this coming weekend, and then discuss more about doing documentation of Joni and Zua's practices. Such idea will also support the works in Lao and Vietnam too, since we have to move on together.

Best regards,

Prasit.